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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/848,140

05/03/2001

Hideyo Osanai

134.136

7450

7590

06/08/2004

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EXAMINER

DINH, TUAN T

ART UNIT

PAPER NUMBER

2827

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/848,140

Applicant(s)

OSANAI ET AL.

Examiner

Tuan T Dinh

Art Unit

2827

*Am*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (U. S. Patent 4,531,044) in view of Baba et al. (U. S. Patent 4,284,437).

As to claims 1, 4-6, Chang disclose a metal-ceramic circuit board as shown in figures 3 and 8 comprising

a aluminum alloy base plate (16, column 4, line 9) and a ceramic substrate board (15, column 4, line 5) made of alumina (column 4, lines 23-29), wherein one surface (a bottom surface) of the ceramic substrate board (15) is bonded directly to the aluminum base plate (16), see figure 3, the aluminum base plate (16) having a thickness not smaller than 1mm, see column 4, lines 32-34.

Chang does not disclose the aluminum alloy base plate having a proof stress not higher than 320Mpa.

Baba et al. show a aluminum alloy base plate having a proof stress not higher than 320Mpa, see column 4, lines 22-42, column 7, line 8, and also, see tables 2 and 6.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a proof stress (yielding strength) not higher than 320Mpa

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of a aluminum/aluminum alloy base plate in the metal-ceramic circuit board of Chang, as taught by Hayashi et al., in order to provide a maximum deflection and anti breaking strengths of the metal base of the circuit board.

As to claim 2, Chang disclose the board as shown in figures 3 and 8 wherein the other surface (a top surface) of the ceramic substrate board (15) has a metal conductive member (14, column 4, lines 4-5).

As to claim 7, Chang disclose a module (column 1, line 57) as shown in figures 3 and 8 comprising

a aluminum alloy base plate (16),

a ceramic substrate board (15), and

a semiconductor tip (14), wherein one surface of the ceramic substrate (15) board is bonded directly to the base plate (16), said semiconductor tip (14) is provided on the other surface of said ceramic substrate board (15), the aluminum base plate (16) having a thickness not smaller than 1mm, see column 4, lines 32-34.

Chang does not disclose the aluminum alloy base plate having a proof stress not higher than 320Mpa.

Baba et al. show a aluminum alloy base plate having a proof stress not higher than 320Mpa, see column 4, lines 22-42, column 7, line 8, and also, see tables 2 and 6.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a proof stress (yielding strength) not higher than 320Mpa of a aluminum/aluminum alloy base plate in the metal-ceramic circuit board of Chang,

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as taught by Hayashi et al., in order to provide a maximum deflection and anti breaking strengths of the metal base of the circuit board.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang ('044) in view of Baba et al. ('437) as applied to claims 1-2, and 4-7 above, and further in view of Nagase et al. (U. S. Patent 6,033,787).

Chang and Baba disclose all of the limitations of the claimed invention, except for the conductive member is made of a material selected from copper/copper alloy, and aluminum/aluminum alloy.

Nagase et al. shows a metal conductive member (11) made of aluminum material bonded on a ceramic substrate (13), see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a metal conductive member made of aluminum on the substrate of Chang in view of Baba, as taught by Nagase et al. for the purpose of improving a thermal conductivity and heat resistance.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments are persuasive. However, theses claims are still rejected in the new ground rejection, as described as above.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 571-272-1929. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Dinh  
May 22, 2004.

*David A. Zarncke*  
David A. Zarncke  
Primary Examiner  
5/28/04

320 megapascal (Mpa)  
converts to  
32.630918815293704 kilogram per square millimetre (kgf/mm²)